

NO. 70834

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office JAN 21 2004

Returned to applicant for correction _____

Corrected application filed _____

Map filed SEP 24 1915 under 2955

The applicant **James R. Boyce** hereby makes application for permission to change the
Manner & Place of Use of water heretofore appropriated under **Dec 01344**

1. The source of water is **Perry Aiken (aka Spanish) Creek**
2. The amount of water to be changed as decreed or not to exceed **5252 acre-feet**
3. The water to be used for **Irrigation**
4. The water heretofore permitted for **Irrigation**
5. The water is to be diverted at the following point **SE¼ NE¼ Section 27, T3S., R35E, M.D.B.&M. at a point that bears N 9° 45' W, 2,620.4 feet from the SE corner of said Section 27.**
6. The existing permitted point of diversion is located within **Unchanged**
7. Proposed place of use **See Attachment "A"**
8. Existing place of use **See Attachment "B"**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **As decreed.**
11. Description of proposed works **Diversion structure on Perry Aiken Creek, thence to storage pond, pipeline, booster pump and ditches to the proposed place of use.**
12. Estimated cost of works **\$75,000.00**
13. Estimated time required to construct works **Completed**
14. Estimated time required to complete the application of water to beneficial use **Five (5) years**
15. Remarks: **Applications to Change Proof 01344 and Permits 5201, 13973, 25313, 25314, 25315, 25316, 27992 and 31284. are being filed to co-mingle the duties within a common place of use. The duty of these applications will not exceed 5 acre-feet per acre from any and all sources. These applications are being filed in compliance with the State Engineer's ruling associated with the reinstatement of Permits 44540, et.al.**

By **Gregory M. Bilyeu**
s/ **Gregory M. Bilyeu**
500 Damonte Ranch Parkway, #1056
Reno, NV 89521

Compared gkl/ CMF lb/ gkl

Protested _____

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the place of use and manner of use of the waters of Perry Aiken (AKA Spanish) Creek as heretofore appropriated under Proof 01344, Certificate 348 as appears in the Matter of the Determination of the Relative Rights to the water of Spanish or Perry Aiken Creek and it's Tributaries in the District Court of the Seventh Judicial District of the State of Nevada, in and for the County of Esmeralda is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The total acres irrigated on the center portion of the ranch by Permits 70834 through 70842 shall be limited to 1,462.47 acres from surface sources, plus 341.9 acres from non-supplemental underground sources, for a total of 1,804.37 acres irrigated from all sources within the common described place of use.
(CONTINUED ON PAGE 3)

2-7-06
70834 Came up
missing - we
copied Permit out
of file - when
original is found -
replace this one
with it.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 15.505 cubic feet per second, but not to exceed 5,252 acre-feet annually, as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

January 12, 2007

Proof of completion of work shall be filed before:

February 12, 2007

Water must be placed to beneficial use on or before:

January 12, 2011

Proof of the application of water to beneficial use shall be filed on or before:

February 12, 2011

Map in support of proof of beneficial use shall be filed on or before:

February 12, 2011

IN TESTIMONY WHEREOF, I, HUGH RICCI, P.E.,

State Engineer of Nevada, have hereunto set

my hand and the seal of my office,

this 26th day of January A.D. 2006

Hugh Ricci, P.E.
State Engineer

Completion of work filed _____

Proof of beneficial use filed _____

Cultural map filed NA

Certificate No. _____ Issued _____

Attachment "A"

7. Proposed Place of Use:

T.3., R.35E., M.D.B. & M.

- Section 9: ~~SW 1/4 SE 1/4~~, E 1/2 SE 1/4 *See REC 14.1 6-17-04 **
- Section 10: All
- Section 11: W 1/2 W 1/2, E 1/2 SW 1/4
- Section 14: NW 1/4, SW 1/4 NE 1/4, NW 1/4 SE 1/4, N 1/2 SW 1/4
- Section 15: N 1/2 NW 1/4, SE 1/4 NW 1/4, SW 1/4 NW 1/4 (east of State Route 264),
NE 1/4, N 1/2 SE 1/4, portion of NE 1/4 SW 1/4 (east of State Route 264), portion
of NW 1/4 SW 1/4 (east of State Route 264)
- Section 16: ~~N 1/2 NE 1/4~~, portion of the SE 1/4 NE 1/4 (east of State Route 264) *See **
NE 1/4

The total irrigated acreage within the above listed property is 1875.83 acres.

ATTACHMENT "B" - PLACE OF USE, PROOF 01344

8. Existing Place of Use

CULT. LAND	MEADOW & PASTURE	SUB-DIVISION	SECTION	TWNSHP	RANGE
ACRES					
	40	SW 1/4 SW 1/4	35	2S	35E
	180	W 1/2 W 1/2	2	3S	35E
	80	E 1/2 SE 1/4	3	3S	35E
6.7		NE 1/4 SE 1/4	9	3S	35E
27.8		SE 1/4 SE 1/4	9	3S	35E
25.8	6.1	NE 1/4 NW 1/4	10	3S	35E
1.2		NW 1/4 NW 1/4	10	3S	35E
24.9		SW 1/4 NW 1/4	10	3S	35E
25.9	14.1	SE 1/4 NW 1/4	10	3S	35E
39.3		NE 1/4 SW 1/4	10	3S	35E
36.5		NW 1/4 SW 1/4	10	3S	35E
33.2		SW 1/4 SW 1/4	10	3S	35E
37.9		SE 1/4 SW 1/4	10	3S	35E
8	32	NW 1/4 SE 1/4	10	3S	35E
31.5	8.5	SW 1/4 SE 1/4	10	3S	35E
	160	NE 1/4	10	3S	35E
	80	E 1/2 SE 1/4	10	3S	35E
	80	W 1/2 NW 1/4	11	3S	35E
	160	SW 1/4	11	3S	35E
	80	N 1/2 NW 1/4	14	3S	35E
	18.2	S 1/2 NW 1/4	14	3S	35E
2.9	30.9	NE 1/4 NE 1/4	15	3S	35E
32.3		NW 1/4 NE 1/4	15	3S	35E
	4.2	S 1/2 NE 1/4	15	3S	35E
32.3		NE 1/4 NW 1/4	15	3S	35E
20.4		SE 1/4 NW 1/4	15	3S	35E
40		NW 1/4 NW 1/4	15	3S	35E
40		SW 1/4 NW 1/4	15	3S	35E
10.6		NE 1/4 NE 1/4	16	3S	35E
477.2	954	Total			

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State Engineer

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